

REMARKS

This is an amendment in response to the Office Action dated July 11, 2006. Claims 1-17, 19-41, 51-67, and 69-91 are pending in the application. With this response, Claims 1 and 51 have been amended, and claims 19-20 and 69-70 have been canceled. In the Office Action, claims 1-41 and 51-91 were rejected pursuant to 35 U.S.C. § 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Additionally, the Office Action indicated that Claims 1-41 and 51-91 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph.

The rejections from the Office Action dated July 11, 2006 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. INTERVIEW SUMMARY

The Examiner is thanked for the courtesies he extended the undersigned and his colleague, Ray Ricordati, during a telephonic interview on August 15, 2006. The rejections under 35 U.S.C. 112 and potential amendments were discussed, no agreement was reached.

II. REJECTIONS UNDER 35 U.S.C. § 112, 2nd paragraph

Independent Claims 1 and 51 were rejected in the Final Office Action dated January 24, 2006 pursuant to 35 U.S.C. § 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. In particular, the Examiner states that it is unclear “what is meant by ‘balancing . . . either the first suggested quantities or said product specific recurrences.’”

Applicants submit that the Claims 1 and 51, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as their invention. In particular, claims 1 and 51 have been amended for clarity and not for reasons relating to patentability, and the quoted passage has been amended to recite “modifying, by the at least one server computer, either said first suggested quantities or said product specific recurrences, or combinations thereof, the modifying attempting to equalize, with respect to said first

suggested order, a distribution of a total cost per recurrence, a distribution of a total quantity per recurrence, a distribution of cost for a selected one of said products or services per recurrence, a distribution of quantity for the selected one of said products or services per recurrence or a distribution of incentive compensation per recurrence, or combinations thereof.” These amendments are supported by the specification at least at page 41, line 4 – page 42, line 18 and Figure 2, which discusses a balancing function which modifies the quantities and/or recurrences of a product as a function of the life of an order where quantities and costs may otherwise vary as a function of each recurrence. (Specification, page 41, lines 5-9).

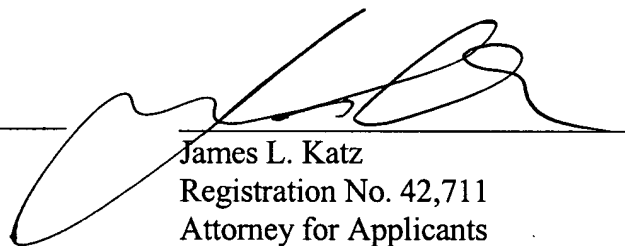
Accordingly, Applicants submit that claims 1 and 51 are definite, and request that these rejections of these claims be withdrawn. Additionally, dependent claims 2-17, 21-41, 52-67, and 71-91 were also rejected pursuant to 35 U.S.C. § 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Claims 2-17, 21-41, 52-57, and 71-91 depend, directly or indirectly, from claim 1. Applicants respectfully submit that dependent claims 2-17, 21-41, 52-57, and 71-91 should be allowed for at least the reasons set forth above for the independent claim.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully invited to contact the attorney of record, James L. Katz, at (312) 321-7739.

Respectfully submitted,

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